

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,
Plaintiff,

v.

BERNARD A. KANSKY, et al.,
Defendants.

Civil No. 12-12198-PBS

REPORT AND RECOMMENDATION ON
DEFENDANT'S MOTION TO NON-SUIT THE PLAINTIFF

November 6, 2013

SOROKIN, C.M.J.

In this action, the government seeks to reduce to judgment more than \$200,000 in alleged federal income tax liabilities of defendant Bernard A. Kansky, and to enforce related federal tax liens via judicial sale of two properties in which Kansky has an ownership interest.¹ See generally Doc. No. 1. The Court previously dismissed Kansky's counterclaim seeking monetary damages from the government, Doc. Nos. 54, 58, and the undersigned's recommendation that the government's motion for summary judgment be allowed is currently pending before the District Judge, Doc. No. 59.²

On November 4, 2013, Kansky filed a document entitled "Defendants' Motion to Non-Suit the Plaintiff for the Verification of Answers to Interrogatories to the Plaintiff by DOJ Counsel for the Plaintiff." Doc. No. 61. The government promptly opposed the motion. Doc.

¹Also named as defendants are Kansky's wife, two real estate trusts, the Town of Hull, and the City of Boston. Doc. No. 1. Two other defendants, Mortgage Electronic Registration Systems, Inc. and Wells Fargo Bank, N.A., have defaulted. Doc. No. 30.

²Kansky has sought an extension of time to file objections to that recommendation, Doc. No. 60, a request which will be resolved by the District Judge.

12/12/13
I adopt the report and recommendation
and deny defendant's motion to non-suit the
Plaintiff. *Same*